House File 170 - Introduced

HOUSE FILE 170

BY SHAW, SCHULTZ, ALONS,

WATTS, HEARTSILL, HIGHFILL,

BRANDENBURG, and LANDON

(COMPANION TO LSB 1625SS BY SORENSON)

A BILL FOR

- 1 An Act relating to firearms including the ownership and
- 2 manufacture of firearms, firearm accessories, and
- 3 ammunition, providing for a penalty, and including effective
- 4 date and applicability provisions.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

H.F. 170

- 1 Section 1. Section 724.2, subsection 6, Code 2013, is
- 2 amended to read as follows:
- 3 6. Any person, firm, or corporation who under the laws of
- 4 this state and the United States is lawfully engaged in the
- 5 improvement, invention, or manufacture of firearms, firearm
- 6 accessories, or ammunition.
- 7 Sec. 2. NEW SECTION. 724.28A Preemption ownership and
- 8 manufacture of firearms, firearm accessories, and ammunition.
- 9 l. A public servant in this state or a firearm dealer who
- 10 sells a firearm in this state shall not enforce or attempt
- 11 to enforce any federal order, law, or regulation relating
- 12 to firearms, firearm accessories, or ammunition owned or
- 13 manufactured commercially or privately in this state and that
- 14 remains exclusively within this state.
- 15 2. An official, agent, or employee of the federal government
- 16 who enforces or attempts to enforce any federal order, law,
- 17 or regulation relating to firearms, firearm accessories, or
- 18 ammunition owned or manufactured commercially or privately in
- 19 this state and that remains exclusively within this state is
- 20 guilty of a class "D" felony.
- 21 3. The attorney general may defend a citizen of this
- 22 state who is prosecuted by the United States government for a
- 23 violation of any federal law relating to the manufacture, sale,
- 24 transfer, or possession of a firearm, firearm accessory, or
- 25 ammunition owned or manufactured commercially or privately in
- 26 this state and that remains exclusively within this state.
- 27 4. Any federal order, law, or regulation created on or after
- 28 the effective date of this Act shall be unenforceable in this
- 29 state if the federal order, law, or regulation attempts to do
- 30 any of the following:
- 31 a. Prohibit or restrict ownership of a semiautomatic firearm
- 32 or any magazine of a firearm.
- 33 b. Require any firearm, magazine, or other firearm accessory
- 34 to be registered in any manner.
- 35 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of

rh/rj

H.F. 170

- 1 immediate importance, takes effect upon enactment.
- 2 Sec. 4. APPLICABILITY. This Act applies to firearms,
- 3 firearm accessories, and ammunition owned or manufactured
- 4 commercially or privately in this state that remains
- 5 exclusively within this state on or after the effective date
- 6 of this Act.
- 7 EXPLANATION
- 8 This bill relates to firearms, including the ownership
- 9 or manufacture of firearms, firearm accessories, and
- 10 ammunition, provides a penalty, and includes effective date and
- 11 applicability provisions.
- 12 The bill provides that a public servant in this state or
- 13 a firearm dealer who sells any firearm in this state shall
- 14 not enforce or attempt to enforce any federal order, law,
- 15 or regulation relating to firearms, firearm accessories, or
- 16 ammunition owned or manufactured commercially or privately in
- 17 this state and that remain exclusively within this state.
- 18 The bill provides that an official, agent, or employee of
- 19 the federal government who enforces or attempts to enforce any
- 20 federal order, law, or regulation relating to firearms, firearm
- 21 accessories, or ammunition owned or manufactured commercially
- 22 or privately in this state and that remain exclusively within
- 23 this state is quilty of a class "D" felony. A class "D" felony
- 24 is punishable by confinement for no more than five years and a
- 25 fine of at least \$750 but not more than \$7,500.
- 26 The bill allows the attorney general to defend a citizen of
- 27 this state who is prosecuted by the United States government
- 28 for a violation of any federal law relating to the manufacture,
- 29 sale, transfer, or possession of a firearm, firearm accessory,
- 30 or ammunition owned or manufactured commercially or privately
- 31 in this state and that remains exclusively within this state.
- 32 The bill provides that any federal order, law, or regulation
- 33 created on or after the effective date of the bill shall
- 34 be unenforceable within this state if the order, law, or
- 35 regulation attempts to prohibit or restrict ownership of a

H.F. 170

- 1 semiautomatic firearm or any magazine of a firearm or that
- 2 requires any firearm, magazine, or other firearm accessory to
- 3 be registered in any manner.
- The bill makes a conforming change to Code section 724.2 to
- 5 authorize any person, firm, or corporation lawfully engaged in
- 6 the improvement, invention, or manufacture of firearms, firearm
- 7 accessories, or ammunition to lawfully possess such items.
- 8 The bill provides for an effective date upon enactment
- 9 and applies to firearms, firearm accessories, and ammunition
- 10 manufactured and retained in Iowa on or after the effective
- 11 date.